

1 **WAGSTAFF LAW FIRM**  
 2 Sommer D. Luther, CO 35053  
 3 940 Lincoln Street  
 4 Denver, CO 80203  
 5 Tel: (303) 263-8949  
 6 Fax: (303) 376-6361  
 7 sluther@wagstafflawfirm.com  
 Attorney for Plaintiff  
 \*Admitted Pro Hac Vice

8  
 9 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

10 IN RE: UBER TECHNOLOGIES, INC.,  
 11 PASSENGER SEXUAL ASSAULT  
 12 LITIGATION

MDL No. 3084 CRB

Honorable Charles R. Breyer

13 This Document Relates to:

**JURY TRIAL DEMANDED**

14 E.S.W. v. UBER TECHNOLOGIES, INC., *et al.* ; 24-  
 15 CV -4095

17 **AMENDED SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL**

18 The Plaintiff named below files this Short-Form Complaint and Demand for Jury Trial  
 19 against Defendants named below by and through the undersigned counsel. Plaintiff incorporates  
 20 by reference the allegations contained in Plaintiffs' Master Long-Form Complaint in In Re: Uber  
 21 Technologies, Inc., Passenger Sexual Assault Litigation, MDL No. 3084 in the United States  
 22 District Court for the Northern District of California. Plaintiff files this Short-Form Complaint as  
 23 permitted by Case Management Order No. 11 of this Court.

24 Plaintiff selects and indicates by checking-off where requested, the Parties and Causes of  
 25 Actions specific to this case.

27 Plaintiff, by and through their undersigned counsel, allege as follows:

28 I. **DESIGNATED FORUM<sup>1</sup>**

1. Identify the Federal District Court in which the Plaintiff would have filed in the absence of direct filing:

## The Northern District of California

(“Transferee District Court”).

## **II. IDENTIFICATION OF PARTIES**

**A. PLAINTIFF**

1. *Injured Plaintiff: Name of the individual who alleges they were sexually assaulted, battered, harassed, or otherwise attacked by an Uber driver with whom they were paired while using the Uber platform:*

E.S.W., an individual

(“Plaintiff”).

2. At the time of filing this *Short-Form Complaint*, Plaintiff resides at:

## Baiting Hollow, Suffolk County, New York

3. (If applicable) \_\_\_\_\_ is filing this case in a representative capacity as the \_\_\_\_\_ of the \_\_\_\_\_, and \_\_\_\_\_ has authority to act in this representative capacity because \_\_\_\_\_.

**B. DEFENDANT(S)**

1. Plaintiff names the following Defendants in this action:

<sup>1</sup> See Pretrial Order No. 6, at II(C) (ECF No. 177).

☒ UBER TECHNOLOGIES, INC.;<sup>2</sup>

☒ RASIER, LLC;<sup>3</sup>

1                    RASIER-CA, LLC.<sup>4</sup>

2                    OTHER (specify): \_\_\_\_\_. This defendant's  
3                   residence is in (specify state): \_\_\_\_\_.  
4

**C. RIDE INFORMATION**

- 5                   1. The Plaintiff was sexually assaulted, harassed, battered, or otherwise attacked by  
6                   an Uber driver in connection with a ride facilitated on the Uber platform in  
7                   Riverhead, NY, on July 17, 2021.
- 8                   2. The Plaintiff was the account holder of the Uber account used to request the  
9                   relevant ride.
- 10                  3. The Plaintiff provides the following additional information about the ride:

**[PLEASE SELECT/COMPLETE ONE]**

11                   The Plaintiff hereby incorporates Plaintiff's disclosure of ride information  
12                  produced pursuant to Pretrial Order No. 5 ¶ 4 on July 19, 2024

13                   The origin of the relevant ride was [STREET ADDRESS, CITY,  
14                  COUNTY, STATE]. The requested destination of the relevant ride was  
15                  [STREET ADDRESS, CITY, COUNTY, STATE]. The driver was named  
16                  [DRIVER NAME].

17                  \_\_\_\_\_  
18                  <sup>2</sup>Delaware corporation with a principal place of business in California.

19                  <sup>3</sup>A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

20                  <sup>4</sup>A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

**III. CAUSES OF ACTION ASSERTED**

- 21                  1. The Causes of Action asserted in the *Plaintiffs' Master Long-Form Complaint*,  
22                  and the allegations with regard thereto in the *Plaintiffs' Master Long-Form*  
23                  *Complaint*, are adopted in this *Short-Form Complaint* by reference, except that  
24                  Plaintiff opts out of and excludes the causes of action specified below:

25 <b>Check any</b>	26 <b>Cause</b>	27 <b>Cause of Action</b>
28 <b>EXCLUDED</b>		
	29 <b>of</b>	
	<b>Action</b>	
	<b>Number</b>	

1	<input type="checkbox"/>	I	NEGLIGENCE (including Negligent Hiring, Retention, Supervision, and Entrustment)
2	<input type="checkbox"/>	II	FRAUD AND MISREPRESENTATION
3	<input type="checkbox"/>	III	NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
4	<input type="checkbox"/>	IV	COMMON CARRIER'S NON-DELEGABLE DUTY TO PROVIDE SAFE TRANSPORTATION <sup>5</sup>
5	<input type="checkbox"/>	V	OTHER NON-DELEGABLE DUTIES TO PROVIDE SAFE TRANSPORTATION <sup>6</sup>
6	<input type="checkbox"/>	VI	VICARIOUS LIABILITY FOR DRIVERS' TORTS - EMPLOYEE
7	<input type="checkbox"/>	VII	VICARIOUS LIABILITY FOR DRIVERS' TORTS – APPARENT AGENCY
8	<input type="checkbox"/>	VIII	VICARIOUS LIABILITY FOR DRIVERS' TORTS – RATIFICATION
9	<input type="checkbox"/>	IX	VICARIOUS LIABILITY FOR DRIVERS' TORTS – Cal. Public Utilities Code § 535
10	<input type="checkbox"/>	X	STRICT PRODUCTS LIABILITY – DESIGN DEFECT
11	<input type="checkbox"/>	XI	STRICT PRODUCTS LIABILITY – FAILURE TO WARN
12	<input type="checkbox"/>	XII	STRICT PRODUCTS LIABILITY – PRODUCT LIABILITY ACTS
13	<input type="checkbox"/>	XIII	UNFAIR COMPETITION LAW – Cal. Bus. & Prof. Code § 17200 et seq.

15

16 VI. **ADDITIONAL CAUSES OF ACTION AND/OR ALLEGATIONS**

17

18 <sup>5</sup>This claim is pleaded in the *Plaintiffs' Master Long-Form Complaint* under the laws of every state except:  
**Arizona, Colorado, District of Columbia, Illinois** (for incidents prior to August 11, 2023), **Michigan, Montana**  
 (for incidents prior to April 23, 2023), **New York, Pennsylvania, Wisconsin, and Wyoming.**

19

20 <sup>6</sup>This claim is pleaded in *Plaintiffs' Master Long-Form Complaint* under the laws of every state except: **District of**  
**Columbia, Michigan, New York, Pennsylvania.**

21

22 **NOTE**

23 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph \_\_, the specific  
 24 facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the  
 requirements of the Federal Rules of Civil Procedure (see paragraph \_\_). In doing so you may attach  
 25 additional pages to this *Short Form Complaint*.

1. Plaintiff asserts the following additional theories against the Defendants designated in paragraph \_\_\_\_ above:

---

---

---

---

---

---

---

2. If Plaintiff has additional factual allegations not set forth in *Plaintiffs' Master Long-Form Complaint*, they may be set forth below or in additional pages:

---

---

---

---

---

---

WHEREFORE, Plaintiff prays for relief and judgment against Defendants for economic and non-economic compensatory and punitive and exemplary damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and such further relief as the Court deems equitable and just, and as set forth in *Plaintiffs' Master Long-Form Complaint*.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all claims in this action.

1 Dated this the 3rd day of January, 2025.

2 OF COUNSEL:

3 RESPECTFULLY SUBMITTED ON BEHALF OF THE PLAINTIFF,

4

5

6 */s/ Sommer D. Luther*

7 Sommer D. Luther, CO 35053  
8 **WAGSTAFF LAW FIRM**  
9 940 Lincoln Street  
10 Denver, CO 80203  
11 Tel: (303) 263-8949  
12 Fax: (888) 875-2889  
13 sluther@wagstafflawfirm.com  
14 Attorney for Plaintiff  
15 \*Admitted *Pro Hac Vice*

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28